

Animal and Plant Health Inspection Service

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

The General Conference Committee of the National Poultry Improvement Plan (NPIP)

2. Authority

The regulations at title 9, *Code of Federal Regulations* (9 CFR) section 147.43 establish the General Conference Committee (GCC). The Secretary establishes the GCC pursuant to the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. USDA reserves to itself all discretion required by FACA.

3. Objectives and Scope of Activities

The GCC, representing cooperating State agencies and poultry industry members, acts as a liaison between the poultry industry and the Department. The GCC maintains and ensures industry involvement and advice in Federal involvement in matters relating to poultry health and administration of the NPIP.

4. Points of View Needed for the Committee

All types of poultry, including commercial and non-commercial, are represented on the GCC. Committee membership reflects the ratio of poultry species and numbers in the United States as closely as possible. The membership is as follows:

- 1 – Egg Type- Allied Industry
- 1—Egg-Type Chickens
- 1—Egg-Type Chickens-Hatchery
- 1—Meat-Type Chickens-Primary Breeding
- 1—Meat-Type Chickens-Commercial
- 1—Hobbyist
- 1—Meat Type Chickens and Turkeys-Commercial

With regard to structuring the GCC, the regulations at 9 CFR 147.43 (a) provide:

The General Conference Committee shall consist of one member-at-large who is a participant in the National Poultry Improvement Plan and one member to be elected, as provided in paragraph (b) of this section, from each of the following regions:

- (1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.
- (2) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.
- (3) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.
- (4) South Atlantic: Delaware, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and Puerto Rico.
- (5) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.
- (6) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, and Hawaii.

The regulations at 9 CFR 147.43(b) state:

The regional committee members and their alternates will be elected by the official delegates of their respective regions, and the member-at-large will be elected by all official delegates. There must be at least two nominees for each position, the voting will be by secret ballot, and the results will be recorded. At least one nominee from each region must be from an underrepresented group (minorities, women, or persons with disabilities). The process for soliciting nominations for regional committee members will include, but not be limited to: Advertisements in at least two industry journals, such as the newsletters of the American Association of Avian Pathologists, the National Chicken Council, the United Egg Producers, and the National Turkey Federation; a *Federal Register* announcement; and special inquiries for nominations from universities or colleges with minority/disability enrollments and faculty members in poultry science or veterinary science.

The regulations at 9 CFR 147.43(c) state:

Three regional members shall be elected at each Plan Conference. All members shall serve for a period of 4 years, subject to the continuation of the Committee by the Secretary of Agriculture, and may not succeed themselves: *Provided*, That an alternate member who assumed a Committee member vacancy following mid-term would be eligible for re-election to a full term. When there is a vacancy for the member-at-large position, the General Conference Committee shall make an interim appointment and the appointee shall serve until the next Plan Conference at which time an election will be held. If a vacancy occurs due to both a regional member and alternate being unable to serve, the vacant position will be filled by an election at the earliest regularly scheduled national or regional Plan Conference where members of the affected region have assembled.

A quorum is the minimum number of members that must be present and is usually considered half plus one. For the GCC, four members or alternates must be present to present a quorum and conduct business.

Every effort will be made to ensure that the GCC's membership is balanced; nevertheless, USDA recognizes that committee membership is not static and may change, depending on the committee's work.

5. Other Balance Factors

A geographic balance is achieved by electing one member-at-large who is an NPIP participant and one member from each of the following regions:

(1) North Atlantic: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) East North Central: Illinois, Indiana, Michigan, Ohio, and Wisconsin.

(3) West North Central: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

(4) South Atlantic: Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, Puerto Rico, South Carolina, Virginia, and West Virginia.

(5) South Central: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

(6) Western: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

An effort will be made to provide a balance of points of view from a range of agricultural interests, as well as to appoint members from multiple regions of the United States.

Equal opportunity practices in accordance with USDA policies will be followed in all GCC appointments. To ensure that the GCC's recommendations have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

6. Candidate Identification Process

The regulations at 9 CFR 147.43(b) state:

The regional committee members and their alternates will be elected by the official delegates of their respective regions, and the member-at-large will be elected by all official delegates. There must be at least two nominees for each position, the voting will be by secret ballot, and the results will be recorded. At least one nominee from each region must be from an underrepresented group (minorities, women, or persons with disabilities). The process for soliciting nominations for regional committee members will include, but not be limited to: Advertisements in at least two industry journals, such as the newsletters of the American Association of Avian Pathologists, the National Chicken Council, the United Egg Producers, and the National Turkey Federation; a Federal Register announcement; and special inquiries for nominations from universities or colleges with minority/disability enrollments and faculty members in poultry science or veterinary science.

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To ensure the GCC's recommendations have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent underrepresented groups (minorities, women, and persons with disabilities). At least one nominee from each of the three regions must be from an underrepresented group. The voting will be by secret ballot of official delegates from the respective region, and the results will be recorded. Members are nominated from within the industry, State, and poultry organizations. All qualifying nominees are then presented to the conference delegation for election.

The Agency will continue to reach out to all groups by means of a Federal Register notice calling for member nominations as well as advertising the call for nominations in industry journals such as the newsletters of the American Association of Avian Pathologists, the National Chicken Council, the United Egg Producers, and the National Turkey Federation. Outreach also goes to universities or colleges with minority and disability enrollments and faculty members in poultry science or veterinary science as well as State poultry associations, poultry laboratories, and poultry industries.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the GCC due to criminal or ethical violations.

7. Subcommittee Balance

The balance plan for any subcommittees will be the same as for the parent committee.

8. Other

N/A

9. Date Prepared or Updated

October 26, 2015

10. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves achieving this to the Agency's discretion. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, including considering:

- (i) The Federal advisory committee's mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or Tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)